

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MERCURY MARKETING, LLC, et al.,

Defendants.

Case No. 1:25-cv-02021-MJM

**EMERGENCY MOTION FOR STAY DUE TO ABSENCE OF CONGRESSIONAL
APPROPRIATIONS**

Plaintiff Federal Trade Commission (“FTC”) moves for an emergency stay of all briefing and other deadlines in this proceeding due to an absence of congressional appropriations funding the agency.

1. At the end of the day on September 30, 2025, the continuing resolution that had been funding the FTC expired, and appropriations to the FTC lapsed. The FTC currently lacks appropriated funds to continue operating, and does not know when funding will be restored.

2. Absent an appropriation, FTC attorneys and other employees are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 13 U.S.C. § 1342.

3. The FTC’s deadline to file any motions to strike affirmative defenses asserted in Answers dated September 15, 2025 (Dkts. 33, 36) is October 6, 2025 (Fed. R. Civ. P. 12(f)).

Under L.R. 2(a), all memoranda in opposition to a motion are due within 14 days of the service

of any motion, and any reply memoranda are due within 14 days of service of the opposition memoranda.

4. The FTC's deadline to file oppositions to motions to dismiss is October 14, 2025. Dkts. 27, 28, 31. The deadline for Defendants Robby Stempler and JHEL Holdings, LLC to file a reply in further support of their motion to dismiss is October 28, 2025 (Dkt. 28), and the deadline for Defendants Mercury Marketing, LLC, Fennaside, LLC, Christopher LiVolsi, and Dennis Rinker to file a reply in response to an opposition to their motion to dismiss is within 14 days of service of the opposition memorandum (L.R. 2(a)).

5. The absence of congressional appropriations will compromise the FTC's ability to prepare and file any motions to strike affirmative defenses or oppositions to motions to dismiss, which, in turn, would affect the deadlines for further responsive pleadings.

6. The FTC therefore requests that the Court stay all deadlines in this case until Congress has restored appropriations to the FTC. The FTC's request is not inconsistent with L.R. 512 ("Lapse in Appropriations"), which specifies that the Court will remain open but that "[a]ctivities will, however, be limited as nearly as practical to those functions necessary and essential to continue the resolution of pending cases," because this case is still in its pre-discovery stage and the two motions to dismiss (Dkts. 34, 35) that were filed in response to the FTC's Complaint have not even been fully briefed.

7. If this motion for a stay is granted, FTC counsel will notify the Court as soon as Congress has appropriated funds for the FTC. The FTC requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

8. FTC counsel contacted counsel for Defendants Mercury Marketing, Fennaside,

LiVolsi, Rinker, Malibu Detox, Behavioral Healthcare Group of America, JHEL, Stempler, Malibu Recovery Center, LLC, and Aliya Health Group, LLC concerning this motion, and they have no objection to this request.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the FTC hereby moves for a stay of all briefing and other deadlines in this proceeding until its attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

Date: October 1, 2025

s/ Elizabeth Jones Sanger
ELIZABETH JONES SANGER
WI Bar No. 1080449
STACY N. CAMMARANO
DC Bar No. 1510736
ROBERT VAN SOMEREN GREVE
DC Bar No. 1617234
TIFFANY M. WOO
NY Bar No. 5412275
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Mail Stop CC-6316
Washington, DC 20580
Tel: (202) 326-2757, -3308, -2523 -3583
Email: esanger@ftc.gov
scammarano@ftc.gov
rvansomerengreve@ftc.gov
twoo@ftc.gov

Attorneys for Plaintiff
FEDERAL TRADE COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2025, I have caused service of the foregoing Plaintiff's Emergency Motion for Stay Due to Absence of Congressional Appropriations to be made by electronic filing with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

Dated: October 1, 2025

s/ Elizabeth Jones Sanger
Elizabeth Jones Sanger